

House File 200 - Introduced

HOUSE FILE _____
BY KUHN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to filling vacancies in the office of United
2 States senator.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1589HH 83
5 sc/rj/8

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1 1 Section 1. Section 39.10, Code 2009, is amended to read as
1 2 follow:
1 3 39.10 UNITED STATES SENATORS.
1 4 Senators in the Congress of the United States shall be
1 5 elected in the same manner in which state officers are
1 6 elected, except that a vacancy in the office of senator of the
1 7 Congress of the United States shall be filled as provided in
1 8 section 69.14, subsection 2.

1 9 Sec. 2. Section 43.6, subsection 1, Code 2009, is amended
1 10 to read as follows:

1 11 1. When a vacancy occurs in the office of ~~senator in the~~
1 12 ~~Congress of the United States~~, secretary of state, auditor of
1 13 state, treasurer of state, secretary of agriculture, or
1 14 attorney general and section 69.13 requires that the vacancy
1 15 be filled for the balance of the unexpired term at a general
1 16 election, candidates for the office shall be nominated in the
1 17 preceding primary election if the vacancy occurs eighty-nine
1 18 or more days before the date of that primary election. If the
1 19 vacancy occurs less than one hundred four days before the date
1 20 of that primary election, the state commissioner shall accept
1 21 nomination papers for that office only until ~~five o'clock~~ 5:00
1 22 p.m. on the seventy-fourth day before the primary election,
1 23 the provisions of section 43.11 notwithstanding. If the
1 24 vacancy occurs later than eighty-nine days before the date of
1 25 that primary election, but not less than eighty-nine days
1 26 before the date of the general election, the nominations shall
1 27 be made in the manner prescribed by this chapter for filling
1 28 vacancies in nominations for offices to be voted for at the
1 29 general election.

1 30 Sec. 3. Section 43.6, Code 2009, is amended by adding the
1 31 following new subsection:

1 32 NEW SUBSECTION. 3. When a vacancy occurs in the office of
1 33 senator in the Congress of the United States, the vacancy
1 34 shall be filled as provided in section 69.14, subsection 2.

1 35 Sec. 4. Section 43.24, subsection 1, paragraph b,
2 1 subparagraph (3), Code 2009, is amended to read as follows:
2 2 (3) Objections to nominations to fill vacancies at a
2 3 special election held under section 69.14, subsection 1 or 2,
2 4 under which the forty-day notice of election provision
2 5 applies, shall be filed with the state commissioner not less
2 6 than fifteen days prior to the date set for the special
2 7 election. If the forty-day notice provision does not apply,
2 8 objections to nominations to fill vacancies at a special
2 9 election held under section 69.14, subsection 1 or 2, may be
2 10 filed any time prior to the date set for the special election.

2 11 Sec. 5. Section 43.24, subsection 2, paragraph b, Code
2 12 2009, is amended to read as follows:

2 13 b. If an objection is filed to a nomination to fill a
2 14 vacancy at a special election held under section 69.14,
2 15 subsection 1 or 2, under which the forty-day notice of
2 16 election provision of section 69.14 does not apply, notice of
2 17 the objection shall be made to the candidate by the state
2 18 commissioner as soon as practicable. Under this paragraph,
2 19 failure to notify a candidate of an objection to the
2 20 candidate's nomination prior to the date set for the special

2 21 election does not invalidate the hearing conducted under
2 22 subsection 3. The hearing to an objection shall proceed as
2 23 quickly as possible to expedite the special election.
2 24 Sec. 6. Section 43.77, subsection 4, Code 2009, is amended
2 25 to read as follows:
2 26 4. A vacancy has occurred in the office of ~~senator in the~~
2 27 ~~Congress of the United States~~, lieutenant governor, secretary
2 28 of state, auditor of state, treasurer of state, secretary of
2 29 agriculture, or attorney general, under the circumstances
2 30 described in section 69.13, less than eighty-nine days before
2 31 the primary election and not less than eighty-nine days before
2 32 the general election.
2 33 Sec. 7. Section 43.78, subsection 4, Code 2009, is amended
2 34 to read as follows:
2 35 4. Political party candidates for a vacant seat in the
3 1 United States house of representatives, the board of
3 2 supervisors, the elected county offices, or the general
3 3 assembly which is to be filled at a special election called
3 4 pursuant to section 69.14, subsection 1, or 69.14A shall be
3 5 nominated in the manner provided by subsection 1 of this
3 6 section for filling a vacancy on the general election ballot
3 7 for the same office. The name of a candidate so nominated
3 8 shall be submitted in writing to the appropriate commissioner,
3 9 as required by section 43.88, at the earliest practicable
3 10 time.
3 11 Sec. 8. Section 44.4, subsection 1, Code 2009, is amended
3 12 to read as follows:
3 13 1. Nominations made pursuant to this chapter and chapter
3 14 45 which are required to be filed in the office of the state
3 15 commissioner shall be filed in that office not more than
3 16 ninety-nine days nor later than 5:00 p.m. on the eighty-first
3 17 day before the date of the general election to be held in
3 18 November. Nominations made for a special election called
3 19 pursuant to section 69.14, subsection 1 or 2, shall be filed
3 20 by 5:00 p.m. not less than twenty-five days before the date of
3 21 an election called upon at least forty days' notice and not
3 22 less than fourteen days before the date of an election called
3 23 upon at least eighteen days' notice. Nominations made for a
3 24 special election called pursuant to section 69.14A shall be
3 25 filed by 5:00 p.m. not less than twenty-five days before the
3 26 date of the election. Nominations made pursuant to this
3 27 chapter and chapter 45 which are required to be filed in the
3 28 office of the commissioner shall be filed in that office not
3 29 more than ninety-two days nor later than 5:00 p.m. on the
3 30 sixty-ninth day before the date of the general election.
3 31 Nominations made pursuant to this chapter or chapter 45 for
3 32 city office shall be filed not more than seventy-two days nor
3 33 later than 5:00 p.m. on the forty-seventh day before the city
3 34 election with the city clerk, who shall process them as
3 35 provided by law.
4 1 Sec. 9. Section 50.46, Code 2009, is amended to read as
4 2 follows:
4 3 50.46 SPECIAL ELECTIONS == CANVASS AND CERTIFICATE.
4 4 When a special election has been held to fill a vacancy,
4 5 pursuant to section 69.14, subsection 1, or when a special
4 6 general election has been held to fill a vacancy, pursuant to
4 7 section 69.14, subsection 2, the board of county canvassers
4 8 shall meet at one o'clock in the afternoon of the second day
4 9 after the election, and canvass the votes cast at the
4 10 election. The commissioner, as soon as the canvass is
4 11 completed, shall transmit to the state commissioner an
4 12 abstract of the votes so canvassed, and the state board,
4 13 within five days after receiving such abstracts, shall canvass
4 14 the tally lists. A certificate of election shall be issued by
4 15 the county or state board of canvassers, as in other cases.
4 16 All the provisions regulating elections, obtaining tally
4 17 lists, and canvass of votes at general elections, except as to
4 18 time, shall apply to special elections.
4 19 Sec. 10. Section 53.22, subsection 3, Code 2009, is
4 20 amended to read as follows:
4 21 3. For any election except a primary or general election
4 22 or a special election to fill a vacancy under section 69.14,
4 23 subsection 1 or 2, the commissioner may, as an alternative to
4 24 subsection 1 of this section, mail an absentee ballot to an
4 25 applicant under this section to be voted and returned to the
4 26 commissioner in accordance with this chapter. This subsection
4 27 only applies to applications for absentee ballots from a
4 28 single health care facility or hospital if there are no more
4 29 than two applications from that facility or hospital.
4 30 Sec. 11. Section 53.53, subsection 3, Code 2009, is
4 31 amended to read as follows:

4 32 3. Federal write-in absentee ballots may be used in
4 33 primary and general elections, and in special elections held
4 34 pursuant to section 69.14, subsection 1 or 2. The federal
4 35 write-in absentee ballot transmission envelope may also serve
5 1 as an application for voter registration if the information
5 2 submitted is sufficient to register the person to vote and the
5 3 applicant is otherwise eligible to vote under the provisions
5 4 of this division.

5 5 Sec. 12. Section 69.8, subsection 1, Code 2009, is amended
5 6 by striking the subsection.

5 7 Sec. 13. Section 69.13, unnumbered paragraph 1, Code 2009,
5 8 is amended to read as follows:

5 9 If a vacancy occurs in the office of ~~senator in the~~
5 10 ~~Congress of the United States~~, secretary of state, auditor of
5 11 state, treasurer of state, secretary of agriculture, or
5 12 attorney general eighty-nine or more days before a general
5 13 election, and the unexpired term in which the vacancy exists
5 14 has more than seventy days to run after the date of that
5 15 general election, the vacancy shall be filled for the balance
5 16 of the unexpired term at that general election and the person
5 17 elected to fill the vacancy shall assume office as soon as a
5 18 certificate of election has been issued and the person has
5 19 qualified.

5 20 Sec. 14. Section 69.14, Code 2009, is amended to read as
5 21 follows:

5 22 69.14 SPECIAL ELECTION TO FILL VACANCIES.

5 23 1. A special election to fill a vacancy shall be held for
5 24 a representative in Congress, or senator or representative in
5 25 the general assembly, when the body in which such vacancy
5 26 exists is in session, or will convene prior to the next
5 27 general election, and the governor shall order, not later than
5 28 five days from the date the vacancy exists, a special
5 29 election, giving not less than forty days' notice of such
5 30 election. In the event the special election is to fill a
5 31 vacancy in the general assembly while it is in session or
5 32 within forty-five days of the convening of any session, the
5 33 time limit provided in this section shall not apply and the
5 34 governor shall order such special election at the earliest
5 35 practical time, giving at least eighteen days' notice of the
6 1 special election. Any special election called under this
6 2 section subsection must be held on a Tuesday and shall not be
6 3 held on the same day as a school election within the district.

6 4 2. a. A vacancy in the office of United States senator
6 5 shall be filled by special election according to this
6 6 subsection.

6 7 b. (1) When a vacancy exists, the governor shall order,
6 8 not later than five days from the date the vacancy exists, a
6 9 special primary election, giving not less than forty days'
6 10 notice of such election. In the event the Congress is in
6 11 session or within forty-five days of the convening of any
6 12 session, the time limit provided in this section shall not
6 13 apply and the governor shall order a special primary election
6 14 at the earliest practical time, giving at least eighteen days'
6 15 notice of the primary special election.

6 16 (2) Nominations for a special primary election shall be in
6 17 the manner provided in chapter 45. The special primary
6 18 election shall be conducted as nearly as practicable under the
6 19 provisions of chapter 43. The state commissioner of elections
6 20 shall adopt rules to implement this subparagraph (2),
6 21 including rules pertaining to candidate filing deadlines,
6 22 publication requirements, and certification of nominees.

6 23 (3) The governor shall call a special general election to
6 24 be held no later than thirty-two days after the date of the
6 25 special primary election.

6 26 c. Any special election called under this subsection must
6 27 be held on a Tuesday and shall not be held on the same day as
6 28 a school election.

6 29 d. A vacancy filled under this subsection shall be for the
6 30 balance of the unexpired term, and the person elected to fill
6 31 the vacancy shall assume office as soon as a certificate of
6 32 election has been issued and the person has qualified.

6 33 EXPLANATION

6 34 This bill provides that a vacancy in the office of United
6 35 States senator shall be filled by a special general election.

7 1 The bill also provides for a special primary election, if
7 2 necessary, to nominate candidates for the special general
7 3 election. A person elected to fill a vacancy in the office of
7 4 United States senator shall serve for the balance of the
7 5 unexpired term.

7 6 Under current law, a vacancy in the office of United States
7 7 senator is filled by appointment by the governor or at the

7 8 next general election, depending on when the vacancy occurs.
7 9 LSB 1589HH 83
7 10 sc/rj/8